



JOHANNA S. ZAPP

12 East 86th Street, Suite 416, New York, New York 10028
917-742-4953 • 212-410-3351 • FAX 917-492-1879

ATTORNEY
NEW YORK, NEW JERSEY BARS

March 19, 2008

Honorable Alvin K. Hellerstein
U.S. District Judge
U.S. Courthouse
500 Pearl Street
New York, New York 10007

Re: U.S. v. Arturo Rojas-Jaimcs 05-CR-708

Dear Judge Hellerstein:

Last night I received a telephone call from my client, Mr. Rojas, telling me that he was told to "pack his bags" because he was being transferred to another facility. Apparently, because he is now a sentenced inmate, he has been designated. I received the judgment and in the section that reads "Recommendations to the Bureau of Prisons", it is blank. At the sentencing, Your Honor said that he would make the recommendation that Mr. Rojas no be moved from the MDC because a move like that would be too difficult for him to handle given his extremely poor health.

Less than a week ago, my client was still in the hospital because he was experiencing seizures and severe dizziness. Up until last Thursday, a team of neurologists were trying to figure out the proper medication for him. The doctors put him on various medications that have to be carefully monitored. He was sent back to the MDC last Thursday and he reported to us on Friday that he was feeling better, that they had him in an area of the jail where he was being monitored carefully and for the first time since his accident, he felt somewhat comfortable.

As you can imagine, Mr. Rojas is terrified and feeling very unstable about a possible transfer. Among other things, he is very scared about being far away from his doctors here in New York. But what is most terrifying for him is the physical process of moving him. He is extremely unstable on his feet. Since his operation, he's been back to the hospital three times since January 11.

I firmly believe a transfer to another facility given Mr. Rojas physical and mental state could be catastrophic for him. I am asking that because the recommendation for him to remain at the MDC was left out of the judgment was a mistake, that your honor sign an order STAYING MR.ROJAS'S TRANSFER (which I believe is imminent.) If Your Honor signed this Order, I will serve it immediately on the MDC.

An amended judgment was filed today, recommending retention of deft at MDC for medical reasons, and Superior AHly was so advised. 3-19-08

Alvin Hellerstein

Last night I wrote (via email and facsimile) to the Designations Facility in Grand Prairie, Texas, explaining the situation. Additionally, I have contacted the legal department on the MDC via facsimile because that the late hour, no one was available. I firmly believe the only way I can stop this transfer is if Your Honor signs this order.

For you Honor's information, according to BOP calculations (we made a call to the central office in Philadelphia,) Mr. Rojas' time will be served and completed on May 15.

Last night, I spoke to Michelle in your Chambers who was so helpful. She remembered this case, and I appreciate all her help.

Very truly yours,

Johanna S. Zapp

cc: AUSA Guruanjan.Sahni